

EXHIBIT

District Court, Clark County, Nevada
Complaint & Summons
A-16-747788-C

1 **SUMM**

2 ANTHONY P. SGRO, ESQ

3 Nevada Bar No. 003811

4 ANDREW D. SEDLOCK, ESQ.

5 Nevada Bar No. 9183

6 PATTI, SGRO & ROGER

7 720 S. Seventh Street, Third Floor

8 Las Vegas, Nevada 89101

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asedlock@psrlegal.com

Attorneys for Plaintiff

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 DARWIN MAZARIEGOS-DIAZ, an
12 individual,

CASE NO.: A-16-747788-C

DEPT. NO.: XXIX

13 Plaintiff,

14 VS.

15 LAUREN NICHOLE PARRELL, an
16 individual; JESSICA JACOBSEN, an
17 individual; DOES I through XV; and ROE
18 Corporations I through X, inclusive,

SUMMONS - CIVIL

19 Defendants.

20 **LAUREN NICHELE PARRELL**

21 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
READ THE INFORMATION BELOW.**

22 **TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you
23 for the relief set forth in the Complaint.

24 1. If you intend to defend this lawsuit, within 20 days after this Summons is served
25 on you, exclusive of the day of service, you must do the following:
26 (a) File with the Clerk of this Court, whose address is shown below, a formal
27
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written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.

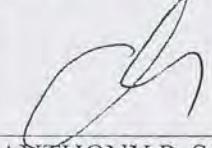
(b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:


ANTHONY P. SGRO, ESQ.

Nevada Bar No. 003811

ANDREW D. SEDLOCK, ESQ.

Nevada Bar No. 9183

PATTI, SGRO & ROGER

720 S. Seventh Street, Third Floor

Las Vegas, Nevada 89101

Attorneys for Plaintiff

CLERK OF COURT

By:

Deputy Clerk

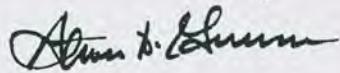
Date

DEC 21 2017

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

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CLERK OF THE COURT9 **DISTRICT COURT**10 **CLARK COUNTY, NEVADA**11 DARWIN MAZARIEGOS-DIAZ, an
12 individual,CASE NO.: A-16-747788-C
DEPT. NO.: XXIX

13 Plaintiff,

14 VS.

16 LAUREN NICHOLE PARNELL, an
17 individual; JESSICA JACOBSEN, an
individual; DOES I through XV; and ROE
18 Corporations I through X, inclusive,

19 Defendants.

20 **PLAINTIFF'S COMPLAINT**

21 COMES NOW the Plaintiff, DARWIN MAZARIEGOS-DIAZ, by and through his
22 attorneys, ANTHONY P. SGRO, ESQ., and ANDREW D. SEDLOCK, ESQ., of the law firm
23 of PATTI, SGRO & ROGER, and for causes of action against Defendants, LAUREN
24 NICHOLE PARNELL, JESSICA JACOBSEN, DOES I through XV, and ROE
25 CORPORATIONS I through X, inclusive, and jointly and severally, alleges as follows:
26

27 ///

28 ///

GENERAL ALLEGATIONS

1. At all times relevant hereto, Plaintiff DARWIN MAZARIEGOS-DIAZ was and is a resident of Clark County, State of Nevada, and the events as described herein occurred in Clark County, Nevada.

2. Upon information and belief, Defendant LAUREN NICHOLE PARNELL (hereinafter "Parnell"), is a resident of Clark County, State of Nevada, and the events as described herein occurred in Clark County, Nevada.

3. Upon information and belief, at all times relevant hereto, Defendant JESSICA JACOBSEN (hereinafter “Jacobsen”), was and is a resident of Clark County, State of Nevada, and the events as described herein occurred in Clark County, Nevada

4. The true names or capacities, whether individual, corporate, associate, or otherwise, of Defendants DOES I through XV and ROE CORPORATIONS I through X are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names:

5. Plaintiff is informed and believes, and therefore alleges, that each of the Defendants designated herein as DOE or ROE is responsible in some manner for the events and happenings referred to herein, and caused damages proximately to the Plaintiff as herein alleged, and Plaintiff will ask leave of this Court to amend his Complaint to insert the true names and capacities of DOES I through XV, and ROE CORPORATIONS I through X, when the same have been ascertained and to join such Defendants in this action.

6. Plaintiff is informed and believes that DOES I through XV are owners, operators, and lessors, or individuals otherwise in possession and control of, the motor vehicles herein alleged, who maintain the motor vehicles herein alleged, and/or are individuals otherwise within the flow of traffic related hereto.

7. Plaintiff is informed and believes that ROE CORPORATIONS I through V are owners, lessors, and/or maintainers of the motor vehicles herein alleged, and/or are in some manner responsible for the actions and omissions of their employees, agents, assigns, lessees, and/or predecessors or successors in interest related hereto.

8. Plaintiff is informed and believes that ROE CORPORATIONS VI through X are insurers of Plaintiff and/or the motor vehicles and/or parties herein alleged and provided insurance to include, but not limited to, uninsured and underinsured motor coverage, umbrella, disability, death and funeral benefits, medical payments, and/or other insurance for Plaintiff and/or any party hereto.

FACTS COMMON TO ALL CAUSES OF ACTION

9. Plaintiff realleges and incorporates by reference herein all prior Paragraphs of this Complaint.

10. On or about May 19, 2015, Plaintiff was lawfully operating his vehicle on Interstate 15 in Las Vegas, Nevada, traveling south.

11. Parnell also was traveling south on I-15, one lane over from Plaintiff

12. Parnell made an unsafe lane change into Plaintiff's lane.

13. As a result of her failure to exercise reasonable care, Parnell collided with Plaintiff's vehicle.

14. Parnell was found to be at fault for the accident, and was issued a citation by Nevada Highway Patrol for making an unsafe lane change in violation of NRS 484B.223.

15. Plaintiff was not issued a citation for the accident

16. Defendant Jacobsen is the registered owner of the vehicle Parnell was driving in the accident with Plaintiff.

1 17. As a result of the impact of the accident, Plaintiff suffered personal injuries to his
2 body, including but not limited to his head, neck, and back.

3 18. As a result of said injuries, Plaintiff received treatment and engaged the services of
4 physicians to provide him with care and treatment.

6 19. Said injuries have caused Plaintiff severe pain and suffering and will potentially
7 require future treatment.

8 20. Plaintiff has suffered damages in an amount in excess of \$10,000.00.

9 21. Plaintiff has been required to retain the services of the law firm of PATTI, SGRO &
10 ROGER to prosecute this action, and therefore is entitled to reasonable attorney's fees and
11 costs.

13 **FIRST CAUSE OF ACTION: NEGLIGENCE**

14 22. Plaintiff realleges and incorporates by reference herein all prior Paragraphs of this
15 Complaint.

17 23. Parnell owed Plaintiff a duty to exercise due care in operating a motor vehicle on a
18 public roadway, and said actions described above were a breach of Parnell's duty to use due
19 care.

20 24. As a direct and proximate result of the negligence, carelessness, recklessness,
21 wantonness, and willfulness of Parnell, Plaintiff suffered personal injuries to his body,
22 including but not limited to his head, neck, and back.

24 25. As a direct and proximate result of the negligence, carelessness, recklessness,
25 wantonness, and willfulness of Parnell, Plaintiff required medical care to treat injuries
26 sustained in the motor vehicle accident and will require future treatment, the cost of which
27 exceeds \$10,000.00.

1 26. Since the accident, Plaintiff has experienced pain and suffering, all to his general
2 damages in excess of \$10,000.00.

3 27. Plaintiff has been required to retain the services of the law firm of PATTI, SGRO &
4 ROGER to prosecute this action, and is entitled to reasonable attorney's fees and costs.
5

6 **SECOND CAUSE OF ACTION: NEGLIGENCE PER SE**

7 28. Plaintiff realleges and incorporates by reference herein all prior Paragraphs of this
8 Complaint.

9 29. Parnell owed Plaintiff a duty to exercise due care in operating a motor vehicle on a
10 public roadway.

12 30. Parnell owed Plaintiff a duty to maintain appropriate speed and distance, along with a
13 duty to properly observe traffic lanes, traffic control devices, and posted signs.

14 31. Parnell's actions were in direction violation of Nevada Revised Statutes, and
15 therefore constitute negligence per se.

17 32. Such statutory provisions were enacted to protect the general public while on the
18 roadways of the State of Nevada.

19 33. Plaintiff was and is a member of the class(es) these Nevada Revised Statutes were
20 intended to protect.

22 34. As a direct and proximate result of the negligence, carelessness, recklessness,
23 wantonness, and willfulness of Parnell, Plaintiff suffered severe and serious personal bodily
24 injuries, including but not limited to his head, neck, and back.

25 35. As a result of said injuries, Plaintiff has been required to engage the services of
26 physicians to provide him with care and treatment.
27

36. Plaintiff is entitled to reimbursement for her bills incurred for the medical treatment and therapy of injuries related to the accident caused by Parnell.

37. Since the accident, Plaintiff has experienced pain and suffering, all to his general damages in excess of \$10,000.00.

38. Plaintiff has been required to retain the services of the law firm of PATTI, SGRO & ROGER to prosecute this action, and is entitled to reasonable attorney's fees and costs.

THIRD CAUSE OF ACTION: NEGLIGENT ENTRUSTMENT

39. Plaintiff realleges and incorporates by reference herein all prior Paragraphs of this Complaint.

40. Jacobsen knowingly entrusted the use of her vehicle to Parnell

41. Jacobsen knew or should have known that Parnell was an inexperienced and/or incapable driver.

42. Jacobsen owed Plaintiff a duty to exercise due care in entrusting her vehicle to Parnell, and breached this duty.

43. As a direct and proximate result of the negligence, carelessness, recklessness, wantonness, and willfulness of Jacobsen, Plaintiff suffered multiple bodily injuries

44. As a result of said injuries, Plaintiff has been required to engage the services of medical care providers to provide him with care and treatment.

45. Plaintiff is entitled to reimbursement for the bills incurred for medical treatment and therapy for the injuries related to the accident caused by Jacobsen.

46. Since the accident, Plaintiff has experienced pain and suffering, all to his general damages in excess of \$10,000.00.

47. Plaintiff has been required to retain the services of the law firm of PATTI, SGRO & ROGER to prosecute this action, and is entitled to reasonable attorney's fees and costs.

WHEREFORE, PLAINTIFF, expressly reserving his right to amend this Complaint at the time of the trial of the action herein to include all parties and items of damage not yet ascertained, demands judgment against Defendant Lauren Nichole Parnell, Defendant Jessica Jacobsen, DOES I through XV, and ROE CORPORATIONS I through X, and each of the Defendants, jointly and severally, as follows:

1. For general damages in an amount in excess of \$10,000.00;
2. For special damages in an amount according to proof at trial;
3. For lost wages and loss of earning capacity according to proof at trial;
4. For an award of punitive damages in an amount to be determined by the trier of fact within the parameters of NRS 42.005;
5. For interest as provided by law;
6. For an award of reasonable attorney's fees and costs of suit; and
7. For such other and further relief as the Court may deem just and proper.

DATED this 6th day of December, 2016.

PATTI, SGRO & ROGER

/s/ Andrew D. Sedlock
ANTHONY P. SGRO, ESQ.
Nevada Bar No. 003811
ANDREW D. SEDLOCK, ESQ.
Nevada Bar No. 9183
720 S. Seventh Street, Third Floor
Las Vegas, Nevada 89101
Attorneys for Plaintiff

DISTRICT COURT CIVIL COVER SHEET A-16-747788-C

County, Nevada

Case No. _____

XXIX

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Darwin Mazariegos-Diaz	Defendant(s) (name/address/phone): Lauren Nichole Parnell Jessica Jacobsen
Attorney (name/address/phone): Anthony P. Sgro, Esq. Patti, Sgro & Roger 720 S. 7th Street, 3rd Floor, Las Vegas, NV 89101 702-385-9595	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property	Torts	
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant	Negligence <input checked="" type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property		
Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property		
Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	Other Civil Filing	
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

December 8, 2016

Date

/s/ Andrew D. Sedlock

Signature of initiating party or representative

See other side for family-related case filings.